



# A G E N D A

## **IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY**



**MAY 4, 2010**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:15 P.M.  
REGULAR MEETING – 6:00 P.M.**

**THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY,  
PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY**

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

### **CLOSED SESSION CALL TO ORDER BY MAYOR**

### **ROLL CALL BY CITY CLERK**

### **CLOSED SESSION**

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957:

Title: City Attorney

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: Unimproved site of 1.15 acres with a paved Class I bike path,  
Imperial Beach, CA 91932, APN 616-021-10

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: San Diego County Regional Airport Authority

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

### **RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)**

### **REGULAR MEETING CALL TO ORDER BY MAYOR**

### **ROLL CALL BY CITY CLERK**

### **PLEDGE OF ALLEGIANCE**

### **AGENDA CHANGES**

### **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES**

### **COMMUNICATIONS FROM CITY STAFF**

**PUBLIC COMMENT** - *Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.*

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

## **PRESENTATIONS (1.1)**

### **1.1 PRESENTATION OF PROCLAMATION – PUBLIC WORKS WEEK. (0270-30)**

**CONSENT CALENDAR (2.1 - 2.3)** - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

#### **2.1 MINUTES. (0660-430)**

City Manager's Recommendation: Approve the minutes of the Regular City Council Meeting of March 3, 2010.

#### **2.2 RESOLUTION NO. 2010-6888 – APPROVING THE COMMUNITY WILDFIRE PROTECTION PLAN AGREEMENT. (0250-31)**

City Manager's Recommendation: Adopt resolution.

#### **2.3 RESOLUTION 2010-6883 – AUTHORIZING THE CITY MANAGER OF THE CITY OF IMPERIAL BEACH TO SIGN THE FIRST AMENDMENT TO THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM REGIONAL STORM WATER COPERMITTEE MEMORANDUM OF UNDERSTANDING OF NOVEMBER 16, 2007. (0770-85)**

City Manager's Recommendation: Adopt resolution.

## **ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)**

#### **3.1 PUBLIC HEARING, FIRST READING AND INTRODUCTION OF ORDINANCE NO. 2010-1103 – ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2011. (0830-95)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing;
4. Mayor calls for the reading of the title of Ordinance No. 2010-1103 an Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges designated;
5. City Clerk to read title of the Ordinance No. 2010-1103; and
6. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

## **ORDINANCES – SECOND READING & ADOPTION (4.1-4.2)**

#### **4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2010-1101 AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING SECTION 12.56.065 TO CHAPTER 12.56. (0920-40 & 0920-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1101, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING SECTION 12.56.065 TO CHAPTER 12.56";
3. City Clerk reads title of Ordinance No. 2010-1101; and
4. Motion to dispense with the second reading and adopt Ordinance No. 2010-1101 by title only.

***Continued on Next Page***

## **ORDINANCES – SECOND READING & ADOPTION (Continued)**

### **4.2 SECOND READING AND ADOPTION OF ORDINANCE NO. 2010-1102 AMENDING SECTION 3.24.150 (AUDIT AND AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO COLLECTION OF TRANSIENT OCCUPANCY TAXES. (0390-80)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1102, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 3.24.150 (AUDIT AND AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO COLLECTION OF TRANSIENT OCCUPANCY TAXES";
3. City Clerk reads title of Ordinance No. 2010-1102; and
4. Motion to dispense with the second reading and adopt Ordinance No. 2010-1102 by title only.

## **PUBLIC HEARINGS (5.1-5.3)**

### **5.1 PUBLIC HEARING RELATING TO THE LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M. (0345-10)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive public comment / protests;
3. If Council wishes to proceed, close the public hearing; and
4. Adopt Resolution No. 2010-6886 confirming the diagram and assessment and providing for the levy of the annual assessment in a special maintenance district (AD 67M).

### **5.2 PUBLIC HEARING SETTING THE ANNUAL SEWER CAPACITY FEE. (0390-55)**

City Manager's Recommendation:

1. Declare the public hearing open,
2. Receive public comment / protests;
3. Close the public hearing; and
4. Adopt Resolution No. 2010-6885 authorizing the retention of the current annual sewer capacity fee rate.

### **5.3 PUBLIC HEARING ADOPTING TRANSNET EXTENSION LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2011-2015. (0680-80)**

City Manager's Recommendation:

1. Declare the public hearing open,
2. Receive public comment;
3. Close the public hearing;
4. Discuss the CIP projects proposed for the 5-year CIP project – modify or accept the projects proposed;
5. Adopt Resolution No. 2010-6887 adopting the TransNet Local Street Improvement Program of projects for Fiscal Years 2011 through 2015 (with modification if desired).
6. Authorize the Public Works Director to submit Resolution 2010-6887 to SANDAG; and
7. Approve the RTIP projects being added to and included in the City of Imperial Beach adopted 5-year CIP (Attachment 2 of Staff Report).

## **REPORTS (6.1 - 6.6)**

### **6.1 RESOLUTION NO. 2010-6884 – APPROVING THE 2010 BIENNIAL SEWER SYSTEM MANAGEMENT PLAN AUDIT. (0830-95)**

City Manager's Recommendation:

1. Receive report;
2. Receive a brief presentation on the significant findings, objective and goals of the program;
3. Adopt resolution;
4. Direct staff to note and file the report for future reference and direction; and
5. Consider strengthening the I.B.M.C. to require higher Fats, Oils and Grease (FOG) control.

### **6.2 PORT COMMISSIONER APPOINTMENT PROCESS. (0150-70)**

City Manager's Recommendation: Approve the Port Commissioner Position Specifications as presented or modified by City Council.

### **6.3 BAYSHORE BIKEWAY ACCESS IMPROVEMENTS CIP PROJECT GRANT APPLICATION; ADDITIONAL SUPPORT FOR. (0680-20).**

City Manager's Recommendation:

1. Receive report;
2. Consider authorizing the City Manager to commit up to \$100,000 of RDA Tax Increment (non-housing) and/or RDA Bond (non-housing) if the State response timeline prohibits referring to City Council at a regularly scheduled agenda meeting; and
3. Staff is to bring the City Manager's commitment back to City Council for affirmation of the decision at the next regularly scheduled City Council meeting.

### **6.4 SAN DIEGO COUNTY SHERIFF'S DEPARTMENT (APPLICANT)/CITY OF IMPERIAL BEACH (OWNER); A SIGN PERMIT (SP 100019) TO PROVIDE A BUILDING SIGN FOR THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT – IMPERIAL BEACH STATION LOCATED AT 845 IMPERIAL BEACH BOULEVARD IN THE PUBLIC FACILITIES (PF) ZONE. MF 1038 (0600-20)**

City Manager's Recommendation:

1. Consider the design and
2. Adopt Resolution No. 2010-6890 approving a Sign Permit (SP 100019), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

### **6.5 UPDATE ON STATE BUDGET IMPACT TO THE IMPERIAL BEACH REDEVELOPMENT AGENCY. (0330-30)**

City Manager's Recommendation: Receive and file this informational report.

<b><i>Item No. 6.6 will be discussed at 7:00 p.m. – TIME SPECIFIC</i></b>
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### **6.6 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION. (0610-95)**

City Manager's Recommendation: That the City Council continue its discussion and provide direction and input on the specific recommendations presented and provide any further specific direction on the next steps for consideration of the proposed recommendations.

## **ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

## **ADJOURNMENT**



**The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.**

**FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT [www.cityofib.com](http://www.cityofib.com).**

Copies of this notice were provided on April 30, 2010 to the City Council, San Diego Union-Tribune, and I.B. Eagle & Times.

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.  
CITY OF IMPERIAL BEACH)

*AFFIDAVIT OF POSTING*

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, Planning Commission, and Public Financing Authority of Imperial Beach was provided and posted on April 30, 2010. Said meeting to be held at 5:15 p.m., May 4, 2010, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on April 30, 2010 at 4:00 p.m.

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Jacqueline M. Hald, CMC  
City Clerk



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** MAY 4, 2010  
**ORIGINATING DEPT.:** JACQUELINE M. HALD, CITY CLERK

**SUBJECT:** PORT COMMISSIONER APPOINTMENT PROCESS

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**BACKGROUND AND DISCUSSION:**

On March 17, 2009, City Council established the following Port Commissioner appointment process to fill the vacancy scheduled for January 4, 2011:

July 6, 2010

- Post Vacancy at City Hall, Library and City website

July 8 and 15, 2010

- Advertise Vacancy in local paper (same as above)

July 22, 2010 by 5:30 p.m.

- Deadline for each applicant to submit completed application to the City Clerk

July 26 through August 5, 2010

- Mayor screens the applicants with his top 3 choices interviewed by City Council at a Special City Council meeting

August 11, 2010

- City Council interviews applicants

August 18, 2010

- Mayor makes his recommendation to City Council for approval

City Council also recommended that staff modify the Port Commissioner Position Specifications to attract applicants of executive management level and with regional board/commission experience.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

None associated with this report.

**DEPARTMENT RECOMMENDATION:**

Approve the Port Commissioner Position Specifications as presented or modified by City Council.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
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Gary Brown, City Manager

**Attachments:**

1. Imperial Beach Port Commissioner Position Specifications
2. Powers and Functions of the Board of Port Commissioners

**PORT COMMISSIONER POSITION SPECIFICATIONS**

In addition to being guided by the Powers and Duties of the Board of Port Commissioners\*, the ideal Port Commissioner for the City of Imperial Beach will:

- Be a proven leader with executive management experience;
- Possess a strong track record of public service;
- Represent the best interests of Imperial Beach;
- Consider all positions of the City Council on issues of prime importance to the City;
- Stay informed on all planning and redevelopment projects of both Imperial Beach and the Port;
- Confer with the City Manager and Mayor on matters of common interest on a regular basis;
- Advise the City Council and Staff on a regular basis on all matters that are or may be of interest to the City;
- Make presentations in public meetings on Port issues – as requested by the City Council;
- Take an active role on the San Diego Unified Port Board, spending sufficient time on Port matters to become thoroughly conversant on topics and policy matters;
- Demonstrate knowledge of local government issues in San Diego County;
- Have experience serving on a board, commission, or other deliberative body for either a government, non-profit, or other public or private sector organization;
- Understand the dynamics and protocols of service on a board, commission, or other similar deliberative body;
- Recognize that service on the Port Board is at the pleasure of the City Council; and
- File Statements of Economic Interests in accordance with the City of Imperial Beach's and Port District's Conflict of Interest Codes and/or other laws pertaining to Conflicts of Interest.
- Be a resident of the City of Imperial Beach

\*A copy will available in the City Clerk's Office.

(1)

ATTACHMENT 2

**REFERENCE  
COPY  
53699**

Re Amendment of BPC Policy 020, ]  
] ]  
Powers and Functions of the Board ]  
] ]  
of Port Commissioners . . . . . ]  
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**RESOLUTION 2008 - 115**

**BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified  
Port District, as follows:

That Board of Port Commissioners Policy No. 020, Powers and Functions of the  
Board of Port Commissioners, as amended, a copy of which is on file in the office of the  
District Clerk, is hereby adopted.

**ADOPTED** this 1st day of July, 2008.

sw  
7/1/08



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San Diego Unified Port District  
Document No. **53699**  
Filed **JUL 11 2008**  
Office of the District Clerk

## BPC Policy No. 020

**SUBJECT:** POWERS AND FUNCTIONS OF THE BOARD OF PORT COMMISSIONERS

**PURPOSE:** To delineate policy on the powers and functions of the Board of Port Commissioners.

**POLICY STATEMENT:**

1. The Board of Port Commissioners (Board) shall exercise its vested powers to govern the San Diego Unified Port District (District).
2. The Board delegates the responsibility and authority for administration of the District to the Executive Director and holds him/her fully accountable for management of the District in accordance with Board established policies, rules and regulations.
3. The Board shall set policies and establish controls consistent with the conditions of its trust as prescribed in the District Act.
4. The Board and staff shall make every reasonable effort to keep the public thoroughly informed of District operations. The Chairman of the Board shall be the official source of policy statements and major announcements.
5. The Board shall semi-annually evaluate the performance of the Executive Director and other officers appointed by the Board.
6. The Board shall conduct its business as a body, at regular or other meetings duly called in accordance with BPC Policy No. 021.
7. There shall be an executive committee consisting of the Chairman, Vice Chairman and Secretary, each of whom may designate an alternate. The committee shall meet as a majority of the committee shall agree, for the purpose of reviewing with the Executive Director the outstanding business of the District and any other purposes as established by the committee.

**RESOLUTION NUMBER AND DATE:** 2008-115, dated July 1, 2008 (Supersedes BPC Policy 020, Resolution 2005-78, dated May 10, 2005; Resolution 81-328, dated October 6, 1981; Resolution 68-298, dated December 3, 1968; and Resolution 63-35, dated February 7, 1963)



**STAFF REPORT  
IMPERIAL BEACH REDEVELOPMENT AGENCY**

**TO:** CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY  
**FROM:** GARY BROWN, EXECUTIVE DIRECTOR  
**MEETING DATE:** MAY 4, 2010  
**ORIGINATING DEPT.:** PUBLIC WORKS *Hol*  
**SUBJECT:** BAYSHORE BIKEWAY ACCESS IMPROVEMENTS CIP PROJECT  
GRANT APPLICATION; ADDITIONAL SUPPORT FOR

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**BACKGROUND:** In Resolution R-09-194 adopted by Redevelopment Agency and Resolution 2009-6807 adopted by City Council on September 23, 2009, Redevelopment Agency / City Council approved the City staff submission of a Recreational Trails Program Grant application for the Bayshore Bikeway Access Improvement CIP Project. This project was to construct a new Bayshore Bikeway access at the north end of 10<sup>th</sup> Street adjacent to the Public Works Yard.

In December 2009, staff received a letter from the Department of Parks and Recreation requesting additional information, including specific costs for the removal and relocation of the existing City loading dock. This information was collected and forwarded to the State on February 4, 2010. In March 2010, the State representative visited the City of Imperial Beach for a site visit and again among the questions asked was the costs for removal and relocation of the existing City loading dock. On April 19, 2010, the State representative asked the City to detail the costs of the loading dock removal and relocation and they asked if the City would be willing to contribute more matching funds toward the project. On April 22, 2010, staff provided the State with the following response:

1. The cost of the loading Dock demolition and removal is estimated at \$20,000.
2. The cost of the construction of the new loading dock is estimated at \$173,917.
3. How much would the City add to the project to cover some or all of the Loading Dock is not a question that City Staff can answer. This is a decision that City Council would need to make. At this point City Council has not committed any funds to this project beyond the matching funds required for the grant. Staff is prepared to take your question to City Council at their regularly scheduled meeting on Tuesday, May 4, 2010. We know that this is a very important project in the City Council's priority of projects, but we also know that funds are very limited and to add funds to this project means some other project would have its funds reduced or eliminated. It would be helpful if you could provide me an indication of how much you would be asking the City to add to the project in order to remain competitive for the grant."

The State responded to the above statement as follows:

"How much more our office might ask the City to contribute is difficult to answer, just as I understand it's hard for you folks to answer how much more you could contribute. Let me explain.

Our typical process of awarding grants does not include reducing the amount of funding an agency requests because we want to be sure the project is fully completed. However, this year we received a number of very good grant applications requesting large sums of money, sums larger than have been requested in the past by any agency. We also received only \$2.1 M, about half the amount of funds we usually receive, to award grants. My concern is that if we follow our typical process, we may only be able to fund two to three projects. I am advocating that we see if agencies can accept a lesser amount of money and still complete their project by either adding more of their own funds or reducing the projects scope. Some projects can easily be reduced by doing less, like only creating one trail instead of two. But in your situation, the project can't really be reduced. It's ok if you can't provide additional funds. Your project is still competitive.

It's important that you know that at this time, this is just my idea! It hasn't yet been, and may never be, endorsed by my manager. I will definitely keep you posted. I just want to get an overall idea of what might be possible. I hope this makes sense. Feel free to call me for clarity or questions."

**DISCUSSION:** Staff would like a sense from City Council on whether there is support to contribute to the loading dock removal and relocation beyond the required matching funds. As this project moves through State review and funding questions arise, the State may not provide the City sufficient time to agenzize and receive City Council's decision within the response time required from by State. Thus if staff had a sense of City Council's direction, the City might remain in the competitive group by being able to respond quickly. This staff report is written to provide an opportunity for City Council to give direction regarding this matter. Staff believes that a limited amount of RDA Bond (non-housing) and / or RDA Tax Increment (non-housing) could be identified for this purpose if approved by City Council.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

Expenditure of additional RDA Tax Increment (non-housing) and / or RDA Bond (non-housing) as authorized by City Council.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Consider authorizing the City Manager to commit up to \$100,000 of RDA Tax Increment (non-housing) and/or RDA Bond (non-housing) if the State response timeline prohibits referring to City Council at a regularly scheduled agenzized meeting.
3. Staff is to bring the City Manager's commitment back to City Council for affirmation of the decision at the next regularly scheduled City Council Meeting.

**EXECUTIVE DIRECTOR'S RECOMMENDATION:**

Approve Department recommendation.

  
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Gary Brown, Executive Director





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** MAY 5, 2010

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *GW*  
TYLER FOLTZ, ASSOCIATE PLANNER *TF*

**SUBJECT:** REPORTS: SAN DIEGO COUNTY SHERIFF'S DEPARTMENT (APPLICANT)/CITY OF IMPERIAL BEACH (OWNER); A SIGN PERMIT (SP 100019) TO PROVIDE A BUILDING SIGN FOR THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT – IMPERIAL BEACH STATION LOCATED AT 845 IMPERIAL BEACH BOULEVARD IN THE PUBLIC FACILITIES (PF) ZONE. MF 1038.

**PROJECT DESCRIPTION/BACKGROUND:**

This is an application (MF 1038) for a Sign Permit (SP 100019) for San Diego County Sheriff's Department – Imperial Beach Station located at 845 Imperial Beach Boulevard (APN 760-242-12-00) in the PF (Public Facilities) Zone. The Sheriff Department currently has one small wall sign that is not visible from the street.

**PROJECT EVALUATION/DISCUSSION:**

**Signage:** The "San Diego County Sheriff's Department – Imperial Beach Station" sign will be in the form of a stud mounted wall sign. Each letter in the sign would be individually mounted, along with an approximately 22 square inch sheriff star logo on 1/2" acrylic. Three design options are proposed. The first option (Option 1) is 9" formed plastic Gemini letters in "Black Trojan Bold" font and a 22 square inch Sheriff Star logo. The second option (Option 2) is 6" formed plastic Gemini letters in "Silver Futura Bold" font and a 22 square inch Sheriff Star logo. The third option (Option 3) is 9" formed plastic Gemini letters in "Silver Futura Bold" font and a 22 square inch Sheriff Star logo. All options can be silver, black, or grey in color. Also, the materials can be metal instead of plastic.



Staff recommends that the sign be compatible with the existing "Civic Center – Imperial Beach California" sign. The "Civic Center" sign consists of 8" individually mounted metal silver letters with a separate logo. Staff recommends Option 2 (6" letters) with metal letters and silver color because it would best match the existing "Civic Center" sign. The smaller 6" letters in Option 2 should conform better in scale to the smaller wall face available on the Sheriff Department building. The Sheriff Department prefers Option 2 (6" letters) with black metal letters so that the sign has a greater contrast from the grey wall.



**General Plan/ Zoning Consistency:** The PF Zone does not provide sign standards. Typically one square foot of signage is allowed per lineal foot of wall face. The project proposes approximately 24, 38, or 47 square feet of signage, depending on the option, for 73 lineal feet of wall face. The proposed signs meet the intent of Imperial Beach Municipal Code 19.52 - Signs.

**ENVIRONMENTAL IMPACT:**

Categorically Exempt pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15303(e) New Construction of Small Accessory Structures.

**COASTAL JURISDICTION:**

The project is not located in the Coastal Zone.

**DESIGN REVIEW BOARD (DRB) RECOMMENDATION:**

The Design Review Board reviewed the project on March 18, 2010 and recommended approval (4 Ayes, 0 Noes, 1 Absent) for Option 2 (6" lettering) with the requirement that the colors and materials match the existing "Civic Center" sign. The Design Review Board would not recommend approval for any other design.

**DEPARTMENT RECOMMENDATION:**

1. Consider the design.
2. Adopt Resolution No. 2010-6890 approving Sign Permit (SP 100019), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

  
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Gary Brown  
City Manager

Attachments:

1. Resolution 2010-6890
  2. Proposed Sign Design
  3. Photos of Sheriff Building – Imperial Beach
  4. Photo of “Civic Center Imperial Beach California” sign
- c: file MF 1038  
Greg Wade, Community Development Director  
Lisa Miller, San Diego County Sheriff

**Return to Agenda**

**RESOLUTION NO. 2010-6890**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A SIGN PERMIT (SP 100019) TO PROVIDE A BUILDING SIGN FOR THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT – IMPERIAL BEACH STATION LOCATED AT 845 IMPERIAL BEACH BOULEVARD IN THE PUBLIC FACILITIES (PF) ZONE. MF 1038.**

**APPLICANT: SAN DIEGO COUNTY SHERIFF'S DEPARTMENT**

**WHEREAS**, on May 5, 2010, the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying an application for a Sign Permit (SP 100019) for a building sign, approximately 2'-2" in height and 11' in length with 6" individually mounted metal letters, silver in color, that reads "San Diego County Sheriff's Department Imperial Beach Station" with a 22 square inch Sheriff Star logo on the north elevation of the Sheriff Department building located at 845 Imperial Beach Boulevard, in the Public Facility (PF) Zone. The site is legally described as follows:

Parcel A, Imperial Beach Terrace, in the City of Imperial Beach, County of San Diego, State of California; according to Map thereof No. 2853, filed in the Office of the County Recorder of San Diego County, March 4, 1952; and

**WHEREAS**, on March 18, 2010, the Design Review Board recommended approval of the project design, with the requirement that the lettering be 6" and that the colors and materials of the letters match the existing "Civic Center" sign (silver in color, metal materials); and

**WHEREAS**, the City Council finds that the project is consistent with the General Plan and the design of the sign is consistent with Policy D-7 (Signs) of the Design Element of the General Plan; and,

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) as this sign project is found to be Categorically Exempt under CEQA (California Environmental Quality Act) Guidelines Section 15303(e) New Construction of Small Accessory Structures.

**WHEREAS**, the City Council considered the information contained in the staff reports on this case and public testimony received on this case; and

**WHEREAS**, at the close of said meeting on May 5, 2010, a motion was duly made and seconded to approve Sign Permit (SP 100019) for a building sign, approximately 2'-2" in height and 11' in length with 6" individually mounted metal letters, silver in color, that reads "San Diego County Sheriff's Department Imperial Beach Station" with a 22 square inch Sheriff Star logo on the north elevation of the Sheriff Department building located at 845 Imperial Beach Boulevard,

in the Public Facility (PF) Zone, based upon the following findings and subject to the conditions of approval contained herein.

**SIGN PERMIT FINDINGS:**

**1. The project is consistent with the City's Design Review Guidelines.**

The project proposes one building sign, approximately 2'-2" in height and 11' in length with 6" individually mounted metal letters, silver in color, that reads "San Diego County Sheriff's Department Imperial Beach Station" with a 22 square inch Sheriff Star logo on the north elevation of the Sheriff Department building located at 845 Imperial Beach Boulevard, in the Public Facility (PF) Zone. The sign's message and colors are consistent with the City's Design Review Guidelines.

**2. The proposed project is consistent with Chapter 19.52. of the City of Imperial Beach Municipal Code, entitled "Signs".**

The project site is subject to PF (Public Facilities) zoning regulations. Imperial Beach Municipal Code 19.52 does not provide sign standards for the PF Zone. Typically one square foot of signage is allowed per lineal foot of wall face. The project proposes approximately 24 square feet of signage for a 73 lineal foot wall face. The proposed signs meet the intent of Imperial Beach Municipal Code 19.52 - Signs.

**3. The proposed project will not have a detrimental effect upon the general health, welfare, safety or convenience of persons residing or working in the neighborhood, and will not be detrimental or injurious to the value of property and improvements in the neighborhood.**

The proposed signs will not adversely impact adjacent businesses because the signage does not exceed the allowance limits. The project may enhance safety and welfare because of the better display of the Sheriff Department.

**NOW, THEREFORE, BE IT RESOLVED**, that a Sign Permit (SP 100019) for a building sign, approximately 2'-2" in height and 11' in length with 6" individually mounted metal letters, silver in color, that reads "San Diego County Sheriff's Department Imperial Beach Station" with a 22 square inch Sheriff Star logo on the north elevation of the Sheriff Department building located at 845 Imperial Beach Boulevard, in the Public Facility (PF) Zone, is hereby approved by the City Council of the City of Imperial Beach subject to the following:

**CONDITIONS OF APPROVAL**

**PLANNING**

1. The installation of the new signs shall be in substantial compliance with the plans on file in the Community Development Department, received on March 10, 2010, and as approved by this resolution.
2. The applicant shall obtain all necessary building permits from the Building Division of the Community Development Department for the project prior to commencement of work.

3. This **approval** is valid for **one year** from the date of this **May 5, 2011**. Conditions of approval must be satisfied, building permits issued, and substantial work in reliance on this approval must have commenced prior to this date. If an appeal of this approval is filed to the City Council, the expiration date will be stayed until final action is taken on the project.
4. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed, notarized statement accepting said conditions.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 5<sup>th</sup> day of May 2010, by the following roll call vote:

**AYES: COUNCILMEMBERS:**  
**NOES: COUNCILMEMBERS:**  
**DISQUALIFIED: COUNCILMEMBERS:**

*James C. Janney*  
\_\_\_\_\_  
**JAMES C. JANNEY, MAYOR**

**ATTEST:**

*Jacqueline M. Hald*

\_\_\_\_\_  
**JACQUELINE M. HALD, CMC**  
**CITY CLERK**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2010-6890 – A Resolution of the City Council of the City of Imperial Beach, California, APPROVING A SIGN PERMIT (SP 100019) TO PROVIDE A BUILDING SIGN FOR THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT – IMPERIAL BEACH STATION LOCATED AT 845 IMPERIAL BEACH BOULEVARD IN THE PUBLIC FACILITIES (PF) ZONE. MF 1038.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE

**SIGN-A-RAMA**  
KEARNY MESA

9353 Clairemont Mesa Blvd.,  
Suite P, San Diego, CA 92123

P H # 858.565.7446

FAX# 858.565.7531

**CUSTOMER:**

Harborside Construction Inc.

**CONTACT:**

Rod Willey

**CONTACT INFO:**

harborside@cox.net

**FILE #:** **BOX #:**

E9756 11

**NOTES:**

N/A

PMS 0000

PMS 0000

PMS 0000

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Formed Plastic Gemini Letters, #2025 Black Trojan Bold, Stud Mounted



**OPTION 1**

6" Formed Plastic Gemini Letters, Silver Futura Bold, Stud Mounted



**OPTION 2**

9" Formed Plastic Gemini Letters, Silver Futura Bold, Stud Mounted



**OPTION 3**

**\*\*PLEASE NOTE THAT THIS IMAGE IS NOT TO SCALE. IT IS INTENDED ONLY AS A PREVIEW OF WHAT THE SIGNS WILL LOOK LIKE\*\***

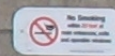
☐ This Copy ok as is. ☐ Ok with corrections noted. ☐ Please make corrections and send another proof. ★ After 2 changes \$15.00 per additional change.

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_









OFFICE HOURS  
MON.-FRI.  
8-5

845

IMPERIAL BEACH  
STATION

OPEN

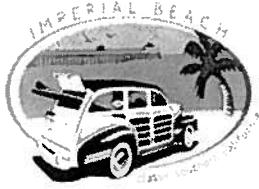
WHEN OFFICE IS CLOSED  
CALL 585-7232



# CIVIC CENTER IMPERIAL BEACH CALIFORNIA







## **STAFF REPORT CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY R. BROWN, CITY MANAGER

**MEETING DATE:** MAY 4, 2010

**ORIGINATING DEPT.:** FINANCE DEPARTMENT *mm2*

**SUBJECT:** UPDATE ON STATE BUDGET IMPACT TO THE  
IMPERIAL BEACH REDEVELOPMENT AGENCY

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### **BACKGROUND:**

The California Redevelopment Association has coordinated a law suit to stop the State from taking a total of \$3.3 million from the City's Redevelopment Agency. The first payment of \$2.7 million would be due May 10, 2010. A court decision is likely before May 10, 2010.

### **DISCUSSION:**

The Governor signed the State budget on July 28, 2009. The State bridged a projected \$26 billion budget gap in part by diverting local funds to the State. Specifically, the State of California's budget attempts to grab \$2.085 billion in local redevelopment agency revenues. The impact to the Imperial Beach Redevelopment Agency is \$2.7 million in the current fiscal year and \$0.5 million in Fiscal Year 2010-11. Without corrective action, the State's action of diverting redevelopment funds will cause the redevelopment fund to go into a cash deficit. Payment is due on May 10, 2010.

The California Redevelopment Association has sued the State to prevent this transfer of redevelopment tax increment funds. Similarly, last fiscal year the State attempted to take \$370 million from redevelopment agencies and \$0.5 million from the City's redevelopment Agency. A judge ruled the action illegal primarily because the funds were not ultimately used for redevelopment purposes. The Legislature tried to address this issue by passing the redevelopment funds to schools within redevelopment areas. However, since the State is reducing funding to schools by the redevelopment shift, this year's attempt ultimately does not benefit redevelopment areas. A court ruling is expected before May 10, 2010.

### **FISCAL IMPACT:**

In August, Council approved suspending certain CIP projects and approved short term borrowing from the General Fund to rebalance the Redevelopment Fund. This short term loan from the General Fund would provide up to \$2.0 million to offset the State impact and provide funding to continue limited capital expenditures. At 6.0% interest for the full \$2.0 million, the General Fund would average approximately \$60,000 of interest

per year for the following three years. The Redevelopment Fund has the ability to repay the General Fund for this loan as well as pay additional debt service costs related to new hotel and other redevelopment projects. The General Fund Reserve will total approximately \$5.5 million after the potential redevelopment loan.

**DEPARTMENT RECOMMENDATION:**

Receive and file this informational report

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary R. Brown, City Manager

ATTACHMENT 1 Staff Report from August 19, 2009



## STAFF REPORT CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: AUGUST 19, 2009

ORIGINATING DEPT.: FINANCE DEPARTMENT *MB*

SUBJECT: AMEND FISCAL YEAR 2009-10 BUDGET TO ADDRESS  
STATE BUDGET IMPACTS

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### **BACKGROUND:**

This report discusses the State Budget impacts to the City of Imperial Beach and requests Council approval to reprioritize programs to rebalance the budget as a result of these impacts.

### **DISCUSSION:**

The Governor signed the budget on July 28, 2009. The State bridged a projected \$26 billion budget gap in part by diverting local funds back to the State. These actions will cause serious negative impacts to local agencies. Moreover, the State will likely face more deficit funding decisions in the near future given the economy, reliance on onetime fixes, and the threat of several State Budget law suits. State proposals that were not adopted, warn us of potential future actions. These potential actions include: the diversion of the entire street maintenance local Gas Tax funds; elimination of COPS police funding, and re-establishment of jail booking costs.

Given the continued State budget problems, the key discussion question is: what level of budget reduction measures should the City adopt now to deal with probable continued State taking of local funds. If the City adopts draconian measures in order to have greater flexibility to respond to the State, then there is a corresponding severe impact to local programs and redevelopment efforts. Severe impacts could translate to reductions in: street maintenance, graffiti elimination, reductions in housing programs such as the Clean and Green program, and the stoppage of all redevelopment funded capital projects. If the City takes a more moderate policy by utilizing reserves to mitigate impacts to current programs, then there is a potential of exacerbating our own tentative financial situation. Low impact strategies would use reserves or temporary loans to the Redevelopment Agency to cover the cost of the State impact, thereby minimizing the State impacts to city programs, but moderately reducing General Fund reserves for three years.

**FISCAL IMPACT:**

The following is a brief description of the State Budget impacts:

**Redevelopment Agency Impacts:**

One of the actions the State of California took to balance their budget was to take \$2.085 billion in local redevelopment agency revenues. The impact to the Imperial Beach Redevelopment Agency is \$2.7 million in the current fiscal year and \$0.5 million in Fiscal Year 2010-11. Without corrective action, the State's action of taking redevelopment funds will cause the fund to go from a \$1.0 million positive balance to a \$1.7 million deficit. The \$3.2 million State hit is equivalent to wiping out over 2 years of available annual redevelopment non-housing funds.

<b>Redevelopment Non-Housing</b>	
<b>Revenue</b>	
Tax Increment Revenues	\$6,312,000
Interest Income	\$229,000
<b>Total Revenues</b>	<b>\$6,541,000</b>
<b>Expenses</b>	
Pass Thru to Other Districts	(\$1,547,000)
County TI Admin Costs	(\$50,000)
Debt Service	(\$1,673,400)
Graffiti Removal Program	(\$209,000)
CIP Projects FY 2009-10	(\$417,000)
Operations Labor	(\$781,000)
Operations Other Costs	(\$897,000)
<b>Total Expenses</b>	<b>(\$5,574,400)</b>
Available for Programs/New Debt	<b>\$966,600</b>
<b>State Budget Impact (09-10)</b>	<b>(\$2,665,000)</b>
<b>Imbalance After State Impact</b>	<b>(\$1,698,400)</b>

The California Redevelopment Association has threatened to sue the State to prevent this transfer of redevelopment tax increment funds. Similarly, last fiscal year the State attempted to take \$370 million from redevelopment agencies and \$0.5 million from the City's redevelopment Agency. A judge ruled the action illegal primarily because it was not ultimately used for redevelopment purposes. The Legislature tried to address this issue by passing the redevelopment funds to schools within redevelopment areas. The payment to the State is due in May 2010.

**City General Fund Impacts:**

The State Budget approved "borrowing" \$1.9 billion of local property taxes from local governments as allowed under Proposition 1A (some may question the legality of this borrowing and this memo is not meant to address legality). The impact to the City of Imperial Beach is \$345,000. The State is required to repay (with interest) the borrowed funds by June 30, 2013. The interest rate is to be determined by the State Controller not to exceed 6%.

**Recommended Actions to Offset State Budget Impacts:**

Due to the State induced imbalance to the Redevelopment Non-Housing Fund, staff is proposing a moderate approach to rebalance the fund by: (1) suspending some currently approved redevelopment funded projects; and (2) earmarking General Fund reserves to be utilized to establish a short term loan to the redevelopment fund.

Table 1 lists six projects recommended for suspension for two years (could be reinstated sooner if the State Budget impact is ruled illegal). This savings and savings from projects recently completed would reduce the imbalance from \$1.7 million to approximately \$0.7 million.

<b>Table 1: Suspend for 2 Years</b>			
Sand Compatibility (SCOUP)	R09801	\$	39,000
Eco Route Tourism Study	S04101	\$	55,000
Marina Vista Master Plan	F05501	\$	121,000
PW Admin/Community Access	F05101	\$	286,000
Sports Park Master Plan	P05401	\$	180,000
Bayside Master Plan	R05101	\$	171,000
<b>Total Suspended</b>		<b>\$</b>	<b>852,000</b>

In addition to the imbalance caused by the State, the Redevelopment Fund potentially may be the funding source for other redevelopment opportunities as decided by Council. These potential projects could total \$0.7 million. A three year loan from the General Fund of \$2.0 million would cover the remaining imbalance, potential projects costs, and provide cash flow for the first year debt service. At 6.0% interest, the General Fund would receive approximately \$60,000 of interest per year for three years.

Table 2 lists other redevelopment non-housing projects. Three projects are suggested to be held pending further information (such as potential grant funding). These projects could be suspended for additional savings if certain events do not materialize. Staff is proposing that 4 high priority projects continue.

Hold until Further Information		
Palm Ave Com Corridor MP	R05205	\$ 196,000
Reg Beach Sand Project 2	R08801	\$ 167,000
Date Ave Street End Imp.	S08103	\$ 418,000
<b>Total Hold</b>		<b>\$ 781,000</b>
Continued Projects		
S/D Intercep @ 8th Calla	D08101	\$ 251,000
Street Improvement Phase 3	S04108	\$ 1,213,000
Façade Improvement Program	R05102	\$ 269,000
Palm Ave Street End Plaza	S08102	\$ 20,000
<b>Total Continuing</b>		<b>\$1,753,000</b>

Staff is further recommending that the General Fund Reserve be used to offset the State "borrowing" of General Fund property taxes (\$345,000). The General Fund Reserve will total approximately \$5 million after the redevelopment loan and the property tax State loan.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that Council approve the attached resolutions that amend the Fiscal Year 2009-10 Budget to rebalance funds impacted by the State Budget.

**CITY MANAGER'S RECOMMENDATION:** Approve Department recommendation.



Gary R. Brown, City Manager

**Attachments:**

1. Resolution 2009-6798
2. Redevelopment Resolution R-09-190
3. Listing of Non-Housing Tax Increment Projects

RESOLUTION NO. 2009-6798

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 BUDGET TO ADDRESS STATE BUDGET IMPACTS**

**WHEREAS**, the City Council has reviewed the negative financial impacts of the State Budget relative to the City of Imperial Beach; and

**WHEREAS**, these impacts have caused an imbalance in the Redevelopment Non-Housing Fund; and

**WHEREAS**, The State intends to borrow City of Imperial Beach property tax revenues

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach as follows:

1. The General Fund Fiscal Year 2009-10 Budget is hereby amended by adding \$345,000 from General Fund Reserves to offset the State Prop 1A property tax borrowing.
2. The General Fund Fiscal Year 2009-10 Budget is hereby amended by up to \$2,000,000 from General Fund Reserves to loan the Imperial Beach Redevelopment Agency funds to offset imbalances caused by State Budget impacts.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 19th day of August 2009, by the following roll call vote:

**AYES: COUNCILMEMBERS:**  
**NOES: COUNCILMEMBERS:**  
**ABSENT: COUNCILMEMBERS:**

\_\_\_\_\_  
**JAMES C. JANNEY, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JACQUELINE M. HALD, CMC**  
**CITY CLERK**



RESOLUTION NO. R-09-190

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 BUDGET TO ADDRESS STATE BUDGET IMPACTS**

**WHEREAS**, the Board has reviewed the negative financial impacts of the State Budget relative to the Redevelopment Agency of the City of Imperial Beach; and

**WHEREAS**, these impacts have caused an imbalance in the Redevelopment Non-Housing Fund; and

**NOW, THEREFORE, BE IT RESOLVED** that the Redevelopment Agency of the City of Imperial Beach as follows:

1. The Redevelopment Agency non-housing fund suspends \$852,000 of Capital Improvement projects to offset imbalances caused by State Budget impacts.
2. The Redevelopment Agency non-housing fund's Fiscal Year 2009-10 Budget is hereby amended by adding \$2,665,000 for the State Budget payment in May 2010.
3. The Redevelopment Agency non-housing fund's Fiscal Year 2009-10 Budget is amended to make debt payments to the City's General Fund for a loan for up to \$2,000,000 caused by the State Budget impacts.

**PASSED, APPROVED, AND ADOPTED** by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 19th day of August 2009, by the following roll call vote:

<b>AYES:</b>	<b>BOARDMEMBERS:</b>
<b>NOES:</b>	<b>BOARDMEMBERS:</b>
<b>ABSENT:</b>	<b>BOARDMEMBERS:</b>

**JAMES C. JANNEY, CHAIRPERSON**

**ATTEST:**

**JACQUELINE M. HALD, CMC**  
**CITY CLERK**

## ATTACHMENT 3

### Non-Housing Tax Increment Projects

Program	Project Description	Project #	Project Budget	Total Committed	Budget Remaining
Comm Development	BAYSIDE MASTER PLAN	R05101	\$171,000	\$0	\$171,000
	FACADE IMPROVEMENT PRGRAM	R05102	\$950,000	\$681,138	\$268,862
	Palm Ave Com Corridor MP	R05205	\$300,000	\$103,584	\$196,416
	Reg Beach Sand Project 2	R08801	\$167,000	\$0	\$167,000
	SAND COMPATIBILITY(SCOUP)	R09801	\$40,000	\$100	\$39,900
Comm Development Total			\$1,628,000	\$784,822	\$843,178
Drainage	S/D Intercep @ 8th Calla	D08101	\$279,000	\$27,648	\$251,352
Drainage Total			\$279,000	\$27,648	\$251,352
Facilities	MARINA VISTA MASTER PLAN	F05501	\$204,000	\$82,202	\$121,798
	PUBLIC WORKS MASTER PLAN	F05101	\$676,000	\$390,258	\$285,742
Facilities Total			\$880,000	\$472,460	\$407,540
Parks	SPORTS PARK MASTER PLAN	P05401	\$204,000	\$24,145	\$179,855
Parks Total			\$204,000	\$24,145	\$179,855
Streets	Date Ave Street End Imp.	S08103	\$500,000	\$82,093	\$417,907
	ECO-ROUTE (TOURISM STUDY)	S04101	\$60,000	\$5,079	\$54,921
	Palm Ave Street End Plaza	S08102	\$50,000	\$30,000	\$20,000
	STREET IMPROVE PHASE III	S04108	\$2,376,178	\$1,162,921	\$1,213,257
Streets Total			\$2,986,178	\$1,280,092	\$1,706,086
Grand Total			\$5,977,178	\$2,589,166	\$3,388,012



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL/CHAIR AND  
MEMBERS OF THE REDEVELOPMENT AGENCY

**FROM:** GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

**MEETING DATE:** MAY 4, 2010 – TIME SPECIFIC FOR 7:00 PM

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, DIRECTOR *GW*

**SUBJECT:** COMMERCIAL ZONING REVIEW – CONTINUED FOCUS  
DISCUSSION

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**BACKGROUND:**

On June 24, 2009, a combined City Council and Design Review Board (DRB) workshop was held to present the results and recommendations of the City's Commercial Zoning Review. At this workshop, the consultant team headed by EDAW/AECOM Inc. (EDAW), presented specific recommendations for zoning amendments based upon the review of the City's commercial zones. During the workshop, concerns were raised about the extensive amount of information provided and about some of the specific recommendations being presented, particularly those involving proposed increases to building height and residential densities. As such, the City Council and Design Review Board (DRB) requested that additional workshops be conducted to go over the information in more detail and to allow for additional input from the City Council, DRB and the public.

On July 28, 2009, another City Council/DRB Workshop was held. This workshop was attended by over 70 members of the community many of whom raised concerns about the Commercial Zoning Review and, more specifically, about the process for reviewing the potential draft zoning amendments to the City's Commercial Zoning and General Plan.

On September 23, 2009, staff presented to the City Council options for the review process moving forward for this effort. The City Council directed staff to schedule a special meeting at which the Council could discuss the Commercial Zoning Review recommendations prior to establishing a community outreach and review process.

On October 26, 2009, the City Council held a Special Meeting to discuss the Commercial Zoning Review recommendations. At beginning of this meeting, the City Council voted to eliminate the following potential zoning amendment recommendations from consideration:

1. A 60-foot height overlay zone along Palm Avenue from Emory westward to Rainbow Drive.
2. Minimum residential density requirements.
3. A 40-foot height limit on the east side of Seacoast Drive and along Old Palm Avenue from Seacoast Drive to 3<sup>rd</sup> Street, subject to incentive criteria.
4. Elimination of the Mixed-Use Overlay Zone (MU-2 Zone) west of Ocean Lane.

After discussion, a majority of the City Council voted to consider and discuss the possibility of allowing building of up to 35 feet, not 36 feet as proposed in the potential amendments, on the east side of Seacoast Drive and along Old Palm. This increased height would be permitted only if a proposed project met specific development incentive criteria. The development incentives were one of the items identified by the City Council to be discussed in more detail at the meeting on November 18, 2009.

On November 18, 2009, staff and the consultant team made another presentation to the City Council on the Commercial Zoning Review recommendations. While the City Council had anticipated discussing the parking requirements, performance-based incentives, floor area ratios (FAR's), setbacks and stepbacks, and maximum residential densities, due to time constraints and the depth of discussion, the City Council was only able to cover the parking requirements. The City Council was generally supportive of the proposed recommended parking amendments which included:

- 1) Reducing the overall parking ratios/requirements for commercial development
- 2) Allowing a 25% parking reduction for vertical (taller than one story) development
- 3) Allowing a parking waiver for commercial uses of less than 1,000 square feet
- 4) Allowing a shared parking reduction, subject to a project-specific study

The City Council also suggested that some additional study of existing parking might be necessary, particularly along Seacoast Drive and Old Palm Avenue, in order to support the recommended parking regulation amendments. This will be particularly important as any amendments approved by the City Council must then be certified and approved by the Coastal Commission.

On Wednesday, December 16, 2009, the City Council continued its focus discussions on the following items:

- Maximum Residential Densities
- Setbacks and step-backs
- Floor Area Ratios (FARs)
- Performance-based incentives

Staff and a member of the consultant team presented an overview of these items and responded to questions and comments from the City Council. During this discussion, questions were asked and comments were made regarding the proposed recommendations, including those pertaining to maximum residential densities, floor area ratio (FAR), and the amount of commercial square footage generated with the proposed recommendations as compared to the existing zoning. The City Council elected to continue this focus discussion and provide more formal recommendations at their meeting on January 20, 2010. This item was then continued to February 17, 2010.

At the meeting on February 17, 2010, staff provided another overview of the recommendations for which specific recommendations are needed. The recommendations were also presented in a matrix to clearly list the proposed recommendations as well as the direction given by the City Council for each. The City Council then continued its discussion of maximum residential densities, setbacks and stepbacks, floor area ratios and performance-based incentives. During this meeting, the City Council appeared to reach some consensus on allowing a slight increase in density to thirty-six (36) dwelling units per acre in both the C/MU-2 and C/MU-3 zones through meeting identified incentive criteria. The City Council also supported the same height increases in the C/MU-3 zone (i.e., to 35 feet through incentives). There was also specific discussion regarding setbacks and stepbacks. Given the complexity of the issues discussed, there was insufficient time to cover all topics.

At their meeting on March 3, 2010, the City Council continued this focus discussion. The discussion at this meeting focused on building setbacks, primarily those in the C-2 (proposed C/MU-2) Zone. The concerns expressed by Council Members centered on new, multi-story commercial development adjacent to existing residential and residentially-zoned property. Although, currently no setbacks are required in the C-2 Zone, several Council Members expressed support for required upper-level setbacks (above the first floor) for property adjacent to residentially-zoned property to implement existing General Plan policies. The City Council directed staff to return to the City Council on March 17, 2010, to continue the focus discussions on the remaining Commercial Zoning Review recommendations.

### **DISCUSSION:**

At their meeting on March 17, 2010, the City Council spent much of the discussion on incentives for achieving additional height and density. An overview of the residential density incentive was also provided by City staff to detail how the density incentive had changed from previous Council action. After discussion, it was the general consensus of the City Council that a list or "menu" of potential incentives be provided within the zoning code from which developers could select to pursue in for their projects to be considered for additional building height and/or residential density. A developer would then have to achieve several of the incentives (for example, 3 or 4 out of a possible 7 incentives), to be granted additional height and/or density by the City Council. The following incentives were discussed as possibilities:

- Lot Consolidation
- Exceptional Architectural Design
- Green Building Design (LEED)
- Active Street Level Use
- Retail Design
- Provision of 3-Bedroom Units
- Provision of Affordable For-Sale Units
- Provision of Open Space, Plaza Space Public/Community Amenities
- Public Right-of-Way Dedication
- Greater Upper Floor Stepback from Residential Property
- 15-foot First Floor Retail Ceiling Height

Staff also reported that it was seeking a proposal from the consultant team to prepare additional prototypes to illustrate proposed development regulations, including proposed setbacks and stepbacks. That contract amendment was approved by the City Council/Redevelopment Agency at their meeting on April 7, 2010.

On May 4, 2010, staff will present the proposed Land Use Table and Use Definitions to the City Council. The proposed Land Use Table along with a Memorandum on the Land Use Table and proposed new definitions is attached to this staff report. It is anticipated that staff will return to the City Council in June to discuss the list of development incentives for height and density and to present the developed prototypes.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

This discussion of the recommended zoning amendments is not, in itself, subject to CEQA.

### **FISCAL IMPACT:**

None with this item.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council continue its discussion and provide direction and input on the specific recommendations presented and provide any further specific direction on the next steps for consideration of the proposed recommendations.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager

Attachments: 1. Land Use Table & Memorandum

Revised Land Use Table  
February 2010

Land Use	PF <sup>a</sup>	C/MU-1	C/MU-2	C/MU-3	Notes
<b>Residential and Similar</b>					
Accessory buildings, structures, private garages	N	C	C	C	
Boarding house	N	P	N	N	
Emergency shelter	N	P	N	N	
Hotels, Motels (H1, H2, H3, H4) <sup>b</sup>	P	P	P	P <sup>c</sup> [C]	
Live/Work units	N	P	P	P	
Motor home/Manufactured Housing Community	N	N	N	N	
Mixed-use development	N	P	P	P	
Multi-family residential units	N	P	P	P	(Minimum active commercial uses are required for all residential developments. See page 17 for more information related to active commercial uses).
Second-family units	N	N	N	N	
Senior housing, Nursing home, Retirement home	N	C	C	C	
Short term rentals	N	P	P	P	
Single-family detached	N	N	N <sup>d</sup>	N	
Timeshares	N	C	C <sup>oo</sup>	N	Subject to Section 19.27.020(B)(8)
Youth Hostel	N	N	C	N	
<b>Commercial</b>					
Adult bookstore, adult hotel/motel, adult mini-motion picture theater, adult picture arcade, adult picture theater, sexual encounter studio, rap parlor, model studio	N	C	N	N	
Antique Stores	N	P	P	P	
Arcades / Game centers	N	C	C	C	
Art Studio, Galleries, Museums	N	P	P	P	
Athletic and Health clubs	N	P [C]	P [C*]	P [N]	
Bars, Cocktail lounges, Pool / Billiard Hall with live entertainment	N	C	C	C [N]	
Beach equip rental, Surf shop, Fishing supply	N	P	P	N	
Body piercing establishment	N	C <sup>o</sup>	N	N	Subject to Section 19.26.020(B)(6)
Bookstores	N	P	P	P	
Boutiques	N	P	P	P	
Child Care facilities	N	P <sup>o</sup>	P <sup>o</sup>	P <sup>o</sup>	Subject to Sections 19.26.020, 19.27.020, 19.28.020
Department stores	N	P	N	N	
Drive-in Restaurants	N	P	P	N	
Drive-thru establishments	N	C	N	C	
Fortune telling establishment	N	C <sup>o</sup>	N	N	Subject to Section 19.26.020(B)(11)
Kennels	N	C <sup>o</sup>	N	N	Subject to Section 19.74.050
Kiosks	N	P <sup>oo</sup> [C]	P <sup>oo</sup>	P <sup>oo</sup> [C]	Subject to Section 19.27.020(A)(20), similar requirements to apply to C/MU-1 and C/MU-3
Liquor stores	N	P <sup>oo</sup>	P <sup>oo</sup>	N	Additional requirements to be determined pending Council discussion
Massage therapy establishment	N	C <sup>o</sup>	N	N	Subject to Section 4.28.150, definition subject to change pending City attorney review
Mortuaries	N	C	N	N	
Pawn shops	N	C	N	C	
Personal convenience services	N	P	P	P	
Restaurants	N	P	P	P	
with live entertainment	N	C	C	C	
Retail food stores	N	P	P	P	
Tattoo establishment	N	C <sup>o</sup> [C]	N	N	Subject to Section 19.26.020(B)(21)

KEY  Recommended as newly defined regulated use. The existing zoning ordinance does not specifically identify or include this use.

Included in existing zoning but not fully addressed in all zones. Some zones do not mention the use while other zones permit, conditionally permit, or do not permit the use.

[C] or [P] Red text indicates land use permission in the existing zoning ordinance that is proposed to be changed.

C or P Black text indicates the proposed use permission.

Land Use	PF <sup>a</sup>	C/MU-1	C/MU-2	C/MU-3	Notes
<b>Office and Industrial Uses</b>					
Automobile repair, Body shops, Auto sales lots	N	C	N	N	
Energy facility	N	C	N	N	
Equipment rental yard	N	C	N	N	
Financial institutions	P	P	P [C*]	P	
Gas stations	N	C	N	C	
Incidental manufacturing	N	C	N	N	
Light manufacturing, Manufacturing, Industrial	N	N	N	N	
Professional office	P	P	P [C*]	P	
Wireless communication facilities	C	p <sup>oo</sup> [C]	p <sup>oo</sup> [C]	p <sup>oo</sup> [C]	Subject to Section 19.90
<b>Public and Semi-Public Uses</b>					
Campsites	N	N	N	N	
Churches	N	C	C	C	
Clubs, fraternal/veteran/service orgs	N	C	C	C [N]	
with live entertainment	N	C	C	C	
Governmental or quasi-public building	P	P	P	P	
Library	P	P	P	P	
Postal services, private	P	P	P	P [C]	
Public parking lots	P	P	P [C]	P	
Schools, private	P	C	C	N	
Theatres / Assembly	N	P	P [C]	P	
<b>Open Space and Recreation</b>					
Other	CC	CC	CC	CC	
Parks	P	P	P	P	
Playground & recreation areas	P	P	P	P	
Public riding & hiking trails	P	P	P	P	

P = expressly permitted

C = permitted with conditional use permit

C\* note = This designation indicates that in the existing zoning ordinance, additional restrictions apply to these uses. Athletic and health clubs are only allowed on the 2nd floor subject to a conditional use permit.

Financial and professional offices located on the first floor are subject to a conditional use permit.

CC = would require City Council permission to evaluate for compatibility with zone

N = not permitted

<sup>o</sup> = other requirements exist in locating near other specific land use types

<sup>oo</sup> = other requirements exist

<sup>a</sup> = All uses and development in the PF Zone require site plan approval by the City Council.

<sup>b</sup> = Per the City's zoning code, hotels consist of various types which are further defined as follows:

H-1: A site area of a minimum square footage of thirty-five thousand square feet, at least thirty guest rooms, facilities for conference, meeting or public use and a full service restaurant on site.

H-2: A "Motel" which is an establishment providing guest rooms on a less than monthly basis, with most rooms gaining access from an exterior walkway.

H-3: A lot, parcel or segment of real property dedicated to "timeshare units" as defined in Section 19.04.756 of this Code.

H-4: A "bed and breakfast" lodging place containing no more than six guest rooms and one kitchen.

<sup>c</sup> = H4 type hotels only.

<sup>d</sup> = Single-family homes permitted in the Residential Overlay Zone. The Residential Overlay Zone would replace the existing MU-2 Zone in the existing Zoning Ordinance. The intent of this zone is to allow all uses proposed under C/MU-2, as well as to continue to allow multi-family and single-family residential units within the boundaries of the proposed overlay. Residential units would continue to be permitted by right as currently allowed under the existing MU-2 Zone. Details related to a potential Residential Overlay Zone are subject to Council review and discussion.




# Memorandum

To	Greg Wade
Subject	Memorandum on Imperial Beach Zoning Issues
From	Patrick Jelsema
Date	February 3, 2010

This memo addresses questions raised by Greg Wade with Christine Babla via phone conversation on January 20, 2010. Additional refinements were made to this memo on February 3, 2010 based on a conference call between City staff and AECOM staff on February 2, 2010.

## 1. Land Use Table Legend has been updated as follows to clarify intent:

 ***Recommended as newly defined regulated use. The existing zoning ordinance does not specifically identify or include this use.***

 ***Included in existing zoning but not fully addressed in all zones. Some zones do not mention the use while other zones permit, conditionally permit, or do not permit the use.***

**[C] or [P]** Red text indicates land use permission in the existing zoning ordinance that is proposed to be changed.

**C or P** Black text indicates the proposed use permission. (See notes at end of table for permission types)

## 2. Clarification of Use Permissions

**[C\*] note.** This use permission in the land use table indicates that in the existing zoning ordinance, additional restrictions apply to these uses. These additional restrictions are as follows:

- Athletic and health clubs are only allowed on the 2nd floor subject to a conditional use permit.
- Financial and professional offices located on the first floor are subject to a conditional use permit (Seacoast area), and cannot exceed 30 percent of existing square footage on Seacoast Drive and intersecting residential streets.

In the proposed Zoning Ordinance, these additional restrictions are not recommended.

In the land use table, the symbol ° indicates that other requirements exist in locating near other specific land use types. The symbol °° indicates that other requirements exist.

**° and °°notes:** As stated above, these symbols attached to use permissions in the land use table indicate that additional restrictions apply. These additional restrictions are already located in various sections of the existing zoning ordinance. The additional restrictions are as follows:

- **Timeshares:** Subject to Section 19.27.020(B)(8). Prohibited on the first floor unless 25 percent of the units are restricted to overnight accommodation.
- **Body Piercing Establishment:** Subject to Section 19.26.020(B)(6). Body piercing establishments may be permitted, subject to the approval of a conditional use permit, however, it is unlawful to establish any such body piercing establishment if the location is within one hundred feet of any property that is zoned as an R-I-6000, R-I-3800, R-3000-D, R-3000, R-2000 or R-1500 zone, or any other area that is primarily residential in character, as evidenced by letter designation in the zoning law of the City; or within two hundred feet of any of the following: Bar, cocktail lounge, or liquor store; body piercing establishment; Church; Educational institution or school; Public park; or Tattoo establishment.
- **Child care facilities:** Subject to Sections 19.26.020, 19.27.020, 19.28.020. These are defined in the existing zoning ordinance (in the definitions section). However, no zone specifically permits, conditionally permits, or does not permit these facilities.

Any conditional use permit issued for a church, club, fraternal organization, service organization or veteran's organization under subsection (B)(7) of this section shall, at a minimum, specifically address the following:

No *child care* services by persons unrelated to the parent or *child*, *child day care* center, or educational institution shall be operated on the premises unless specifically provided for under the conditional use permit issued for the church, club, fraternal organization, service organization or veteran's organization. Nothing in subsections E, F, G, or H of this section shall supersede or preempt the issuance criteria for a conditional use permit as set forth in Chapter 19.82 of this code.

- **Fortune Telling Establishments:** Subject to Section 19.26.020(B)(11). Fortune telling or palm reading establishments may be permitted, subject to

the approval of a conditional use permit, however, it is unlawful to establish any such fortune telling or palm reading establishment if the location is within:

- a. One hundred feet of any property that is zoned as an R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000, or R-1500 zone, or any other area that is primarily residential in character, as evidenced by letter designation in the zoning law of the City, or
  - b. Five hundred feet of any mobilehome park, manufactured housing community, or senior housing development, or
  - c. One thousand feet of any similar establishment.
- **Kennels:** Subject to Section 19.74.050. Any use which involves the keeping of more than five animals on a commercial basis, either temporarily or permanently, such as kennels, pet hospitals and dog-breeding businesses, shall be required to obtain a Conditional Use Permit and shall conform to the following conditions:
    - a. It shall be located not less than two hundred feet from any residentially zoned land; and
    - b. It shall provide methods for controlling noise, odors and other nuisances commonly associated with such use.
  - **Kiosks:** Subject to Section 19.27.020(A)(20). Similar requirements to apply to C/MU-1 and C/MU-3. Kiosks (not to exceed twenty square feet in area each). The kiosks shall be located on public plazas or private leaseholds and shall not exceed ten locations in the Seacoast commercial zone.
  - **Liquor Store:** In the existing code, there are no additional requirements. Additional requirements may be adopted pending Council discussion.
  - **Massage Therapy Establishments:** Subject to Section 4.28.150. There are numerous additional requirements per Section 4.28.150 of the Municipal Code.
  - **Tattoo Establishment:** Subject to Section 19.26.020(B)(21). Tattoo establishments may be permitted, subject to the approval of a conditional use permit; however, it is unlawful to establish any such tattoo establishment if the location is within one hundred feet of any property that is zoned as an R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000, or R-1500 zone, or any other area that is primarily residential in character, as evidenced by letter designation in the zoning law of the City; or within two hundred feet of any of the following:
    - a. Bar, cocktail lounge, or liquor store;
    - b. Body piercing establishment;
    - c. Church;
    - d. Educational institution or school;
    - e. Public park; or
    - f. Tattoo establishment

- Wireless Communication Facilities: Subject to Section 19.90. Every proposed wireless communication facility must meet the development and design standards of Section 19.88.070 of the Municipal Code.

### **3. Residential Overlay Zone**

As shown on the proposed zoning map, the Residential Overlay Zone is recommended within C/MU-2. The Residential Overlay Zone would replace the existing MU-2 Zone in the existing Zoning Ordinance. The intent of this zone is to allow all uses proposed under C/MU-2, as well as to continue to allow multi-family and single-family residential units within the boundaries of the proposed overlay.

Residential units would continue to be permitted by right as currently allowed under the existing MU-2 Zone. Under the proposed Residential Overlay Zone, commercial uses would also be permitted by right. Under the existing Zoning Ordinance in the MU-2 Zone, commercial uses require a Conditional Use Permit.

Details related to a potential Residential Overlay Zone are subject to Council review and discussion.

Development standards applying to the Residential Overlay Zone are as follows:

1. Residential density
  - a. One dwelling unit for each one thousand five hundred square feet of lot area.
2. Yard requirements
  - a. Residential uses
    - i. Ocean Lane: five feet
    - ii. Side yard: five feet
    - iii. Ocean Boulevard (Beach): ten feet
  - b. Commercial Uses
    - i. Ocean Lane: zero feet
    - ii. Side Yard: five feet (*Previously fifteen feet*)
    - iii. Ocean Boulevard (Beach): ten feet
3. Height
  - a. Residential uses
    - i. Two stories or twenty-six feet, whichever is less.
  - b. Commercial Uses
    - i. Three stories or thirty feet, whichever is less